

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MICHAEL SNELLING,)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.
)	1:16-CV-00130-CC-AJB
v.)	
)	
OFFICER STROY,)	
)	
Defendant.)	
_____)	

**DEFENDANT ROBERT STROY'S STATEMENT OF MATERIAL FACTS TO WHICH
THERE ARE NO GENUINE ISSUES TO BE TRIED**

COMES NOW Defendant Robert Stroy, by and through undersigned counsel, and pursuant to Rule 56 of the Federal Rules of Civil Procedure and L.R. 56.1 of the United States District Court for the Northern District of Georgia, files this Statement of Material Facts to Which There are No Genuine Issues to be Tried, and states as follows:

1.

Defendant Robert Stroy ("Defendant") is employed as a Detention Officer with the Fulton County Sheriff's Office in Fulton County, Georgia. (Stroy Aff. ¶ 1).

2.

On December 22, 2015, then Fulton County inmate Michael Snelling ("Plaintiff") was outside his cell for recreation in an "administrati[ve] lockdown zone" where physical interaction

between inmates is prohibited. [Doc. 5 at 4].

3.

At the same time, Defendant was escorting another inmate, Nyron Thomas, back to the administrative lockdown zone after Thomas's return from a court appearance. [Id. at 3, 4; Stroy Aff., ¶ 3].

4.

As Defendant was escorting inmate Thomas, a heated argument amongst the inmates in zone 300 captured Defendant's attention. [Stroy Aff., ¶ 4].

5.

Therefore, upon escorting Thomas through cell block 7ST-600, Defendant removed the handcuff restraints while guiding Thomas up the stairs to his cell. [Stroy Aff., ¶ 4].

6.

Defendant removed Thomas's restraints to facilitate his quick transition from the administrative lockdown zone back to the other zone where he was needed. [Stroy Aff., ¶ 4].

7.

Defendant intended to supervise Inmate Thomas as he navigated the stairs until he was secured back in his cell. [Stroy Aff., ¶ 4].

8.

Thomas, however, quickly diverted from Defendant's grasp and ran towards Plaintiff, who was at the kiosk machine. [Doc. 5 at 3; Stroy Aff., ¶ 6].

9.

Thomas struck Plaintiff with a closed fist and cut him above his right eye. [Doc. 5 at 3; Stroy Aff., ¶ 6].

10.

Defendant immediately subdued Thomas, and after calling other detention officers to assist, began providing medical assistance to Plaintiff. [Stroy Aff., ¶ 7; Snelling Dep. 51:18-23].

11.

Defendant was not aware that prior to this incident, Plaintiff and inmate Thomas had been experiencing conflict due to an illegal cell phone that had been smuggled into the Fulton County Jail. [Snelling Dep., 25:20-26:1; Stroy Aff., ¶ 8].

12.

Defendant was not aware that Thomas posed any risk to Plaintiff or any other inmate nor did Plaintiff ever tell Defendant that he felt Thomas was a threat to him. [Stroy Aff., ¶¶ 9, 10].

Respectfully submitted, this 12th day of July, 2017.

OFFICE OF THE FULTON COUNTY ATTORNEY

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/s/ Ashley J. Palmer

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that the foregoing **DEFENDANT ROBERT STROY'S STATEMENT OF MATERIAL FACTS TO WHICH THERE ARE NO GENUINE ISSUES TO BE TRIED** has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1C and that I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I further certify that a copy of the foregoing will be served upon the following *pro se* inmate plaintiff by U.S. Mail and addressed as follows:

Michael Snelling
GDC# 1099143
Baldwin State Prison
P.O. Box 218
Hardwick, Georgia 31034

Respectfully submitted, this 12th day of July, 2017.

/s/ Ashley J. Palmer

Ashley J. Palmer

Georgia Bar No. 603514

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